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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

FCC 96-202

In the matter of	)	
	)	
Amendment of Part 80 of the Rules	)	WT Docket No. 94-153
Concerning a U.S. Coast Guard Vessel	)	RM-8199
Traffic Service (VTS) System in	)	
Prince William Sound on marine VHF	)	
Channel 11	)	

### **Report and Order**

**Adopted: May 2, 1996**

**Released: May 9, 1996**

By the Commission:

## **I. INTRODUCTION & EXECUTIVE SUMMARY**

1. On December 16, 1994, we adopted a *Notice of Proposed Rule Making (Notice)*<sup>1</sup> proposing to amend Part 80 of the Commission's Rules to add Prince William Sound to the United States Coast Guard's (Coast Guard) designated radio protection areas for mandatory Vessel Traffic Services (VTS) and establish marine VHF Channel 11 (156.550 MHz) as the VTS frequency for Prince William Sound. This *Report and Order (R&O)* adopts the rules as proposed. By this action, we seek to ensure reliable marine communications, increase safe vessel transit to protect U.S. waters and associated natural resources from environmental harm, and increase port efficiency thereby promoting growth within the shipping community and in Alaskan industry.

## **II. BACKGROUND**

2. The Coast Guard uses VTS systems as an advisory communications service to coordinate vessel movement and prevent collisions in large, busy port areas. Vessels report, by voice, information related to position, navigation, and conditions affecting their ability to navigate to the Coast Guard, which tracks the vessel's movements. VTS systems use VHF marine channels dedicated to VTS operations in Coast Guard designated VTS areas. Presently, the Coast Guard operates a VTS system in Prince William Sound on marine VHF Channel 13 (156.650 MHz) that, unlike the present request for Channel 11, is not dedicated for VTS communications nor protected from interference. Channel 13 is the designated

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<sup>1</sup> See *Notice of Proposed Rule Making*, WT Docket No. 94-153, 10 FCC Rcd 64 (1995).

bridge-to-bridge channel and is used for navigation related communications from the bridge of one ship to the bridge of another ship.

3. The Commission amended its Rules in 1975, at the Coast Guard's request, to make frequencies available in certain designated areas exclusively for VTS communications.<sup>2</sup> Since then, we have added a number of VTS protection areas such as the San Francisco Bay area.<sup>3</sup> Currently, Section 80.383 of the Rules, 47 C.F.R. § 80.383, lists five areas -- Seattle, New York, New Orleans, Houston and San Francisco -- as Coast Guard designated VTS areas. Frequencies allotted for VTS communications are available for assignment outside of VTS designated areas for other purposes on a noninterference basis.<sup>4</sup>

4. As a result of the Oil Pollution Act of 1990<sup>5</sup>, the Coast Guard implemented a mandatory Automated Dependent Surveillance (ADS) system for cargo ships, *e.g.*, oil tankers that operate in Prince William Sound. The ADS, which operates as part of the VTS system, determines the vessel's position using a highly accurate differential Global Positioning System (GPS) receiver and automatically transmits the vessel's position, identification and the time of the position to the Coast Guard using digital selective calling (DSC) techniques on VHF marine Channel 70 (156.525 MHz). This improved monitoring capability provides the vessel information necessary to support vessel control operations. In response to a request from the Coast Guard,<sup>6</sup> we proposed in the *Notice* to add Prince William Sound to the Coast Guard's designated radio protection areas for mandatory Vessel Traffic Services (VTS) communications and to establish marine VHF Channel 11 (156.550 MHz) as the VTS frequency for Prince William Sound. The Coast Guard would use Channel 11 for voice VTS communications to coordinate vessel movement and prevent collisions in Prince William Sound. No comments were filed in response to the *Notice*.

### III. DISCUSSION

5. We conclude that adoption of our proposals presented in the *Notice* would serve the public interest. Designating Prince William Sound as a VTS area will allow the Coast Guard to manage vessel traffic in that area more efficiently and protect the marine environment by preventing vessel collisions and groundings. Therefore, we are adding Prince William Sound to the Commission's list of designated radio protection areas for VTS systems

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<sup>2</sup> *Report and Order*, Docket No. 20444, 56 FCC 2d 1089 (1975).

<sup>3</sup> *Report and Order*, PR Docket No. 92-30, 8 FCC Rcd 1671 (1993).

<sup>4</sup> *See, e.g.*, footnote 3 of Section 80.373(f) of the Rules, 47 C.F.R. § 80.373(f).

<sup>5</sup> Pub. L. No. 101-380, 104 Stat. 484.

<sup>6</sup> Letter from Philip R. Sheldon, By direction of Commandant, U.S. Coast Guard, to George Dillon, Chief, Aviation and Marine Branch (March 2, 1993).

specified in Section 80.383. The radio protection area is defined as "[t]he rectangle between North latitudes 61 degrees 17 minutes and 59 degrees 22 minutes, and West longitudes 149 degrees 39 minutes and 145 degrees 36 minutes." (See Figure 1.)

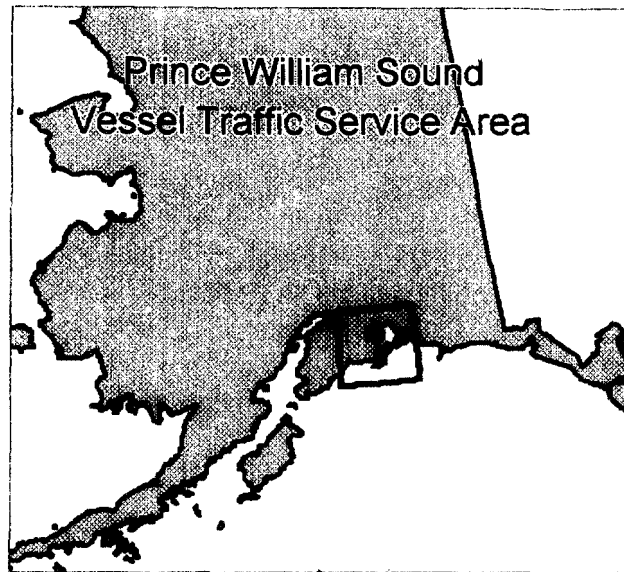


Figure 1

6. In addition, designating marine VHF Channel 11 as the VTS frequency for Prince William Sound will provide additional efficiency and reliability for VTS communications and increase public safety in the area because it will eliminate the interference potential associated with the Coast Guard's current use of Channel 13, a bridge-to-bridge channel, for such communications.

7. We note that there are six private coast stations currently authorized to operate within the designated radio protected area on Channel 11, and recognize that today's action will directly affect the future operations of these licensees.<sup>7</sup> We conclude that the public interest would be best served by allowing them a reasonable amount of time in which to modify their operations consistent with this decision, provided that VTS communications in Prince William Sound are not comprised. Thus, we will permit private coast stations currently authorized to operate on Channel 11 within the Prince William Sound VTS area to continue operation until the end of their current license terms on a noninterference basis, *i.e.*, these licensees must protect VTS communications. The Commission staff will assist affected licensees in finding suitable alternative channels. No fee will be charged for affected stations that apply for modification for an alternative channel before their next renewals.

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<sup>7</sup> The six licensed private coast stations within the designated radio protected area that will be affected are WHW 254, WHW 484, KEA 692, WDJ 329, KZZ 817, and WHV 254.

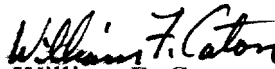
#### IV. ORDERING CLAUSES

8. Accordingly, IT IS ORDERED that, pursuant to the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 303(r), Part 80 of the Commission's Rules IS AMENDED as set forth in the Appendix below, effective thirty days after publication in the Federal Register.

9. IT IS FURTHER ORDERED that this proceeding IS TERMINATED.

10. For further information concerning this proceeding, contact James Shaffer, Wireless Telecommunications Bureau, (202) 418-0680.

FEDERAL COMMUNICATIONS COMMISSION

  
William F. Caton  
Acting Secretary

ATTACHMENT

## APPENDIX

Title 47 of the Code of Federal Regulations, Part 80, is amended as follows:

### **Part 80 -- Stations in the Maritime Services**

1. The authority citation for Part 80 continues to read as follows:

**AUTHORITY:** Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. 151-155, 301-609; 3 UST 3450, 3 UST 4726, 12 UST 2377.

2. Section 80.383 is amended by revising the table in paragraph (a) to add Prince William Sound to the list of geographic areas for the carrier frequency 156.550 MHz; amending paragraph (b)(4) by removing the final "and"; amending paragraph (b)(5) by replacing the final "." with "; and"; and adding a new paragraph (b)(6) to read as follows:

#### **§ 80.383 Vessel Traffic Services (VTS) system frequencies.**

\* \* \* \* \*

(a) Assigned frequencies:

#### VESSEL TRAFFIC CONTROL FREQUENCIES

Carrier frequencies (MHz)	Geographic areas
*	*
*	*
156.550 . . . . .	New York, New Orleans, <sup>1</sup> Houston, Prince William Sound, <sup>3</sup>
*	*

<sup>1</sup> Until further notice, this frequency is available for use as permitted by § 80.373(f), notwithstanding the provisions of footnote 3, that are applicable to the VTS system. Availability is a result of the closure of the VTS system for the port area of New Orleans. If the United States Coast Guard re-establishes this system, the Commission may require operations pursuant to such conditional licenses for this frequency to cease, or may choose not

to renew such conditional licenses. All licenses for this frequency will be expressly conditioned upon the continued availability of the frequency for non-VTS use.

<sup>2</sup> \* \* \*

<sup>3</sup> Private coast station licenses for the use of this frequency will not be renewed beyond (5 years after adopted date). Continued use until expiration must be on a noninterference basis to Coast Guard VTS communications.

(b) \* \* \*

(6) Prince William Sound. The rectangle between North latitudes 61 degrees 17 minutes and 59 degrees 22 minutes and West longitudes 149 degrees 39 minutes and 145 degrees 36 minutes.